

Joel P. Gumbiner (State Bar No. 111586)
Gordon D. McAuley (State Bar No. 99932)
GUMBINER & ESKRIDGE LLP
2950 Buskirk Avenue, Suite 300
Walnut Creek, California 94597
Telephone: (925) 933-5800
Facsimile: (925) 933-5837
Email: Joel@insuredlaw.com
Email: Gordon@insuredlaw.com

Attorneys for Plaintiff
City of Capitola

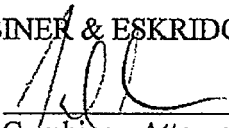
IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CITY OF CAPITOLA,)	Case No.: 5:12-cv-03428-LHK
)	
Plaintiff,)	STIPULATION AND PROPOSED
)	ORDER TO DISMISS ACTION
v.)	WITH PREJUDICE
)	
LEXINGTON INSURANCE COMPANY,)	
and DOES 1 through 100, inclusive,)	
)	
Defendants.)	
)	
)	
)	

IT IS HEREBY STIPULATED by and between the parties to this action through their designated counsel that the above-captioned action be and hereby is dismissed with prejudice pursuant to FRCP 41(a)(1). Each party to bear its own attorney's fees and costs.

Dated: May 14, 2013

GUMBINER & ESKRIDGE LLP

By: 
Joel P. Gumbiner, Attorney for Plaintiff,
CITY OF CAPITOLA

1 Dated: May 17, 2013

MOUND COTTON WOLLAN & GREENGRASS

2 By: Renee Plessner
3 Renee Plessner, Attorney for Defendant,
4 LEXINGTON INSURANCE COMPANY

5 **PURSUANT TO THE ABOVE STIPULATION, IT IS SO ORDERED**

6 The Clerk shall close the file.

7 Dated: May 28, 2013

8 Lucy H. Koh
9 Lucy H. Koh
10 United States District Court Judge
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